

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NADIA ALQUAHWAGI, on behalf of
herself and as Personal Representative
of the Estate of Mohammed Khairi,

Plaintiff,

No. 11-cv-14286

vs.

Hon. Gerald E. Rosen

SHELBY ENTERPRISES, INC. and
THE PRUDENTIAL INSURANCE
COMPANY OF AMERICA,

Defendants.

ORDER GRANTING MOTION FOR RECONSIDERATION
AND AMENDING ORDER OF FEBRUARY 25, 2013

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on April 19, 2013

PRESENT: Honorable Gerald E. Rosen
United States District Chief Judge

On February 25, 2013, the Court entered an (1) Opinion and Order denying Plaintiff's Motion to Remand Case to State Court and denying Plaintiff's Alternative Request for Leave to Amend Complaint, and (2) Order Remanding the Matter to the Plan Administrator and Administratively Closing the Case. On March 4, 2013, Defendant Prudential filed the instant "Motion for Reconsideration of the Order of Remand," seeking only a correction of that portion of the February 25 Order remanding the matter to the Plan Administrator. Co-defendant Shelby Enterprises and Plaintiff have

concluded in this motion.

The Order of Remand directed that this case be remanded to the “Plan Administrator” for exhaustion of intra-plan remedies. The “plan administrator” in this matter is Shelby Enterprises, the former employer of Plaintiff’s decedent. However, as explained in Defendant’s Motion for Reconsideration, Shelby, as plan administrator, has delegated its duties under the ERISA plan at issue to Prudential Insurance Company, which is labeled in the summary plan description as the “Claims Administrator” (as opposed to the “plan administrator”). In pertinent part, the Shelby Summary Plan Description provides:

The Prudential Insurance Company of America as Claims Administrator *has the sole discretion to interpret the terms of the Group Contract, to make factual findings, and to determine the eligibility of benefits. The decision of the Claims Administrator shall not be overturned unless arbitrary and capricious.*

[See SPD, p.2, Prudential Remand Motion Response Brief, Ex. E, Dkt. # 16 (emphasis added).]

In light of the foregoing, the Court finds that Defendant’s Motion for Reconsideration is well-taken. Shelby, the Plan Administrator, has designated Prudential to stand its shoes “to interpret the terms of the [plan], to make factual findings and to determine the eligibility of benefits.” Thus, to be consistent with the nomenclature used in the Plan, this matter should be remanded to the “Claims” Administrator, not the “Plan” Administrator.

Therefore,

IT IS HEREBY ORDERED that Defendant's Motion for Reconsideration [**Dkt. # 21**] is GRANTED. Accordingly,

IT IS FURTHER ORDERED that this case shall be remanded to the Claims Administrator for a determination of Plaintiff's claim for life insurance benefits.

In all other respects, the Court's rulings as set forth in the February 25, 2013 Opinion and Order remain unchanged.

SO ORDERED.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: April 19, 2013

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 19, 2013, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5135